IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Mark (nmi) Albert et al.
Serial No.:	10/645,139
Filing Date:	August 21, 2003
Group Art Unit:	3628
Examiner:	Akiba Robinson Boyce
Confirmation No.:	7140
Title:	SYSTEM AND METHOD FOR MANAGING ACCESS FOR AN END USER IN A NETWORK ENVIRONMENT

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

AMENDED APPEAL BRIEF

In response to the Notification of Non-Compliant Appeal Brief dated January 13, 2010, Appellant respectfully submits this Amended Appeal Brief.

Appellant has appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed May 2, 2006, finally rejecting Claims 1-5, 7-13, 15-19 21-25 and 27, all of which are pending in this case. Appellant filed a Notice of Appeal on August 17, 2006, an Appeal Brief on October 17, 2006, an Amended Appeal Brief on December 27, 2006, a second Amended Appeal Brief on May 21, 2007, and a third Amended Appeal Brief on December 11, 2009.

As requested, only Amended Section V (Summary of Claimed Subject Matter) of the Amended Appeal Brief is submitted.

Summary of Claimed Subject Matter

A billing system element operates to receive one or more packets of a communication flow and to communicate with a price server (e.g., FIGURE 1, elements #40 and #50; page 7, lines 15-19; page 8, lines 7-10; page 9, lines 27-31; page 10, lines 1-12; page 11, lines 10-13; page 19, lines 12-16; and page 30, lines 6-12 of the Specification for support). The price server is operable to receive a query from the billing system element associated with a pricing parameter relating to a data segment to be accessed by an end user associated with the communication flow (e.g., FIGURE 1, element #12; FIGURE 3A, elements #110 and #112; and page 8, lines 17-19; and page 23, lines 11-19 of the Specification for support). The price server #50 is operable to return a response to the billing system element #40 that includes the pricing parameter relating to the data segment such that the end user can verify the pricing parameter before accessing the data segment (e.g., page 8, lines 19-25; and page 23, lines 19-27 of the Specification for support). A content services gateway [CSG] (e.g., FIGURE 1, element #14 of the Specification for support) may be coupled to the billing system element #40 and is operable to communicate with the billing system element #40 in order to manage distribution of quota provided to the end user (e.g., page 8; lines 10-16; page 13, lines 22-31; page 14, lines 1-5; page 15, lines 14-31; page 16, lines 1-5; page 17, lines 6-8; and page 23, lines 11-27 of the Specification for support). The quota reflects a currency for the end user #12 to apply in accessing the data segment.

For selected flows and for selected clients, billing system element 40 debits a user account based on the type and quantity of information being transmitted. CSG 14 may cooperate with billing system element 40 in order to charge end user 12 based on a particular event, content, or communication flow. Quota manager element 36 operates in conjunction with price server 50 and advice of charge server 60 to provide granular content pricing. End user 12 may be notified how much his account will be charged for the selected content. Associated operations may include a proverbial 'price check' being provided to end user 12 before end user 12 commits to a financial obligation (e.g., FIGURE 1 and page 8, lines 3-31 of the Specification). The architecture of communication system 10 is used to execute per-click authorization in enabling one or more of the following functions: 1) price server 50 is leveraged to enable quota server 42 to provide granular content pricing, i.e. more granular

than at the CSG service level; 2) advice of charge server 60 may be used to perform a network address translation (NAT) or an HTTP redirect of the user session to a server to query end user 12 to verify the charge before serving the content; 3) L3/L4/L7 filtering may be performed; and 4) quota management offload may be executed in allowing quota server 42 to micromanage user quota for each request (e.g., FIGURE 1 and page 9, lines 15-26 of the Specification).

With regard to the independent claims currently under Appeal, Appellants provide the following concise explanation of the subject matter recited in the claim elements. For brevity, ***Appellants do not necessarily identify every portion of the Specification and drawings relevant to the recited claim elements***. Additionally, this explanation should not be used to limit Appellants' claims but is intended to assist the Board in considering the Appeal of this Application.

For example, independent Claim 1 recites the following:

An apparatus for managing network access, comprising:
a billing system element operable to receive one or more packets of a communication flow and to communicate with a price server, (e.g., FIGURE 1, elements #40 and #50; page 7, lines 15-19; page 8, lines 7-10; page 9, lines 27-31; page 10, lines 1-12; page 11, lines 10-13; page 19, lines 12-16; and page 30, lines 6-12 of the Specification for support) wherein the price server is operable to receive a query from the billing system element associated with a pricing parameter relating to a data segment to be accessed by an end user associated with the communication flow (e.g., FIGURE 1, element #12; FIGURE 3A, elements #110 and #112; and page 8, lines 17-19; and page 23, lines 11-19 of the Specification for support), and wherein the price server is operable to return a response to the billing system element that includes the pricing parameter relating to the data segment such that the end user can verify the pricing parameter before accessing the data segment (e.g., page 8, lines 19-25; and page 23, lines 19-27 of the Specification for support); and

a content services gateway (e.g., FIGURE 1, element #14 of the Specification for support) coupled to the billing system element and operable to communicate with the billing system element in order to manage distribution of quota provided to the end user, wherein the quota reflects a currency for the end user to apply in accessing the data segment (e.g., page 8; lines 10-16; page 13, lines 22-31; page 14, lines 1-5; page 15, lines 14-31; page 16, lines 1-5; page 17, lines 6-8; and page 23, lines 11-27 of the Specification for support).

As another example, independent Claim 10 recites the following:

A method for managing network access, comprising:

receiving a query associated with a pricing parameter relating to a data segment to be accessed by an end user associated with a communication flow (e.g., FIGURE 1, element #12; FIGURE 3A, elements #110 and #112; page 8, lines 17-19; and page 23, lines 11-19 of the Specification for support);

returning a response to the query that includes the pricing parameter relating to the data segment such that the end user can verify the pricing parameter before accessing the data segment (e.g., page 8, lines 19-25; and page 23, lines 19-27 of the Specification for support); and

managing distribution of quota provided to the end user based on information being provided and associated with the pricing parameter, wherein the quota reflects a currency for the end user to apply in accessing the data segment (e.g., page 8; lines 10-16; page 13, lines 22-31; page 14, lines 1-5; page 15, lines 14-31; page 16, lines 1-5; page 17, lines 6-8; and page 23, lines 11-27 of the Specification for support).

As another example, independent Claim 16 recites the following:

A system for managing network access, comprising:

means for receiving a query associated with a pricing parameter relating to a data segment to be accessed by an end user associated with a communication flow (e.g., FIGURE 1, element #12; FIGURE 3A, elements #110 and #112; page 8, lines 17-19; and page 23, lines 11-19 of the Specification for support);

means for returning a response to the query that includes the pricing parameter relating to the data segment such that the end user can verify the pricing parameter before accessing the data segment (e.g., page 8, lines 19-25; and page 23, lines 19-27 of the Specification for support); and

managing distribution of quota provided to the end user based on information being provided and associated with the pricing parameter, wherein the quota reflects a currency for the end user to apply in accessing the data segment (e.g., page 8; lines 10-16; page 13, lines 22-31; page 14, lines 1-5; page 15, lines 14-31; page 16, lines 1-5; page 17, lines 6-8; and page 23, lines 11-27 of the Specification for support).

As another example, independent Claim 22 recites the following:

Software for managing network access, the software being embodied in a computer readable medium and comprising computer code (e.g., page 9, lines 27-31; page 10, lines 1-7; page 14, lines 2-5; and page 19, lines 22-26 of the Specification for support) such that when executed is operable to:

receive a query associated with a pricing parameter relating to a data segment to be accessed by an end user associated with a communication flow

(e.g., FIGURE 1, element #12; FIGURE 3A, elements #110 and #112; page 8, lines 17-19; and page 23, lines 11-19 of the Specification for support);

return a response to the query that includes the pricing parameter relating to the data segment such that the end user can verify the pricing parameter before accessing the data segment (e.g., page 8, lines 19-25; and page 23, lines 19-27 of the Specification for support); and

managing distribution of quota provided to the end user based on information being provided and associated with the pricing parameter, wherein the quota reflects a currency for the end user to apply in accessing the data segment (e.g., page 8; lines 10-16; page 13, lines 22-31; page 14, lines 1-5; page 15, lines 14-31; page 16, lines 1-5; page 17, lines 6-8; and page 23, lines 11-27 of the Specification for support).

CONCLUSION

Appellant has demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

Appellant believes no fee is due. However, if this is not the case, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,
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